

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EVANGELOS DIMITRIOS SOUKAS,

a/k/a EVAN SOUKAS,

a/k/a JOSHUA PATZ,

Defendant.

CR05-066JLR

ORDER GRANTING
STIPULATED MOTION TO
CONTINUE TRIAL DATE

THIS MATTER having come before the Court on the stipulated motion of the parties for an order continuing the trial date and pretrial motions deadline in the above-captioned matter, and the Court having considered the stipulated motion of the parties, together with the balance of the records and files herein, the Court now finds and rules as follows:

Defendant Evangelos Dimitrios Soukas has been charged in an Indictment with one count of Conspiracy to Commit Wire Fraud and Mail Fraud, in violation of 18 U.S.C. § 371; five counts of Mail Fraud, in violation of 18 U.S.C. §§ 1341 and 2; six counts of Wire Fraud, in violation of 18 U.S.C. §§ 1343 and 2; one count of Conspiracy to Commit Fraud Through Use of Other Persons' Means of Identification, in violation of 18 U.S.C. §§ 1028(f), 1028(a)(7) and 1028(b)(1)(D); 26 counts of Fraudulent Use of Another

1 Person's Means of Identification, in violation of 18 U.S.C. §§ 1028(a)(7), 1028(b)(1)(D)
2 and 2; and 11 counts of False Claims to IRS, in violation of §§ 287 and 2. On March 25,
3 2005, Defendant was arraigned. Pretrial motions were due April 15, 2005, and trial was
4 scheduled for May 31, 2005. By Order of this Court dated April 14, 2005, the pretrial
5 motions deadline was continued to April 29, 2005.

6 Under the Speedy Trial Act, 18 U.S.C. § 3161, trial shall commence within
7 seventy days from the filing date of an indictment or from the date the defendant has
8 appeared before the Court, whichever date last occurs. Certain periods of delay are
9 excludable time for purposes of the Speedy Trial Act. See 18 U.S.C. §§ 3161(h).

10 For the reasons set forth in the parties' stipulated motion, the Court hereby finds
11 that the ends of justice served by continuing the trial date outweigh the best interest of the
12 public and Defendant in a speedy trial. See 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(B)(ii),
13 (iv). The matter is so complex that it would be unreasonable to expect adequate
14 preparation for trial within the time limits set forth by the Speedy Trial Act. See 18
15 U.S.C. §§ 3161(8)(B)(ii), (iv). The Court further finds that, taking into account the
16 complexity of the case and the exercise of due diligence, the failure to grant a
17 continuance would unreasonably deny the defense the reasonable time necessary for
18 effective preparation, taking into account the exercise of due diligence. See 18 U.S.C.
19 § 3161(h)(B)(iv). The Court also finds that failure to grant the requested continuance
20 would unreasonably deny the Defendant continuity of counsel. See 18 U.S.C.
21 § 3161(h)(B)(iv). Therefore,

22 It is hereby ORDERED that the stipulated motion of the parties to continue the
23 trial date is GRANTED. The new trial date in this matter is 8/29/05. Pretrial motions
24 shall be filed on or before 8/1/05.

25 It is further ORDERED that the period of delay resulting from this continuance is
26 s excludable, pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and (B).

27 Having advised the Court through the representations of counsel that Defendant
28 has agreed to waive his Speedy Trial rights and that he has further agreed that the time

1 when this motion was pending, pursuant to 18 U.S.C. § 3161(h)(1)(F), and the period
2 from May 31, 2005, through August 29, 2005, pursuant to 18 U.S.C. §§ 3161(h)(8)(A)
3 and (B), shall both be excludable, Defendant shall immediately execute and file a formal
4 waiver of his Speedy Trial rights documenting his agreement to the continuance and to
5 the exclusion of time.

6
7 DATED this 25th day of April, 2005.

8
9 s/James L. Robart

10 THE HON. JAMES L. ROBART
United States District Court Judge

11 Presented by:

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